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6 Attorneys for Plaintiff GLENN FAGERLIN  
7 and the S/V PERCEPTION

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 In the Matter of the Complaint of GLENN  
FAGERLIN, an individual, as owner of the  
12 Sailing Vessel PERCEPTION, a 45-Foot  
Wauquiez/Kronos Catamaran, for Exoneration  
13 from or Limitation of Liability

IN ADMIRALTY

Case No.: C:08-5225 SI

**STIPULATED EX PARTE  
APPLICATION & [PROPOSED]  
ORDER FOR EXTENSION OF NON-  
EXPERT DISCOVERY CUTOFF**

Action Filed: November 19, 2008  
Trial Date: June 14, 2010

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1 WHEREAS, this is an action in admiralty by a vessel owner, Glenn Fagerlin ("Fagerlin")  
2 for exoneration from or limitation of liability for a collision between two boats, Fagerlin's S/V  
3 PERCEPTION and M/V TOUCH OF GREY, owned by James Cox ("Cox") and insured by St.  
4 Paul Travelers ("St. Paul");

5 WHEREAS, on or about June 17, 2009, the court entered the pre-trial order setting the  
6 following pre-trial dates:

- 7 1. NON-EXPERT DISCOVERY CUTOFF: December 4, 2009;
- 8 2. DESIGNATION OF EXPERTS: January 22, 2010; REBUTTAL: February 5,  
9 2010;
- 10 3. EXPERT DISCOVERY CUTOFF: February 26, 2010;
- 11 4. DISPOSITIVE MOTIONS CUTOFF: March 19, 2010;
- 12 5. PRE-TRIAL CONFERENCE DATE: June 1, 2010;
- 13 6. TRIAL DATE: June 14, 2010;

14 WHEREAS, Fagerlin has settled the claim of one claimant, Eric Archuleta, and a  
15 settlement conference is scheduled with the other claimant(s), St. Paul and Cox, for December 21,  
16 2009;

17 WHEREAS, Fagerlin and St. Paul/Cox have a mutual interest in keeping pre-trial  
18 litigation costs down in order to increase the likelihood of a settlement at or before the December  
19 21, 2009 settlement conference, and they would therefore strongly prefer not to conduct  
20 additional discovery, especially party and non-party depositions (written discovery is complete or  
21 nearly complete) before the settlement conference;

22 WHEREAS, there have been no previous modifications to the court's pre-trial scheduling  
23 order; and

24 WHEREAS, the effect of this stipulated order on the court's pre-trial scheduling order  
25 would be negligible;

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1 Fagerlin and St. Paul Travelers/James Cox hereby request that the court modify its pre-  
2 trial scheduling order to extend the non-discovery cutoff from December 4, 2009, to January 19,  
3 2010.

4 IT IS SO STIPULATED.

SEVERSON & WERSON  
A Professional Corporation

5 DATED: November 30, 2009

6 By: /s/ Ryan C. Donlon  
Ryan C. Donlon

7 Attorneys for GLENN FAGERLIN and the S/V  
8 PERCEPTION

9 IT IS SO STIPULATED.

CAMMARANO & SIRNA, LLP

10 DATED: November 29, 2009

11 By: /s/ Dennis Cammarano  
Dennis Cammarano

12 Attorneys for JAMES COX and ST. PAUL  
13 TRAVELERS

14 IT IS SO STIPULATED.

LAW OFFICE OF DAVID ASCH

15 DATED: November 29, 2009

16 By: /s/ David A. Asch  
David A. Asch

17 Attorneys for ERIC ARCHULETA

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 DATED: \_\_\_\_\_, 2009

United States District Court,  
Northern District of California

20 By:   
21 Honorable Susan Illston, Judge

**CERTIFICATE OF SERVICE**

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of San Francisco, California; my business address is Severson & Werson, One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On the date below I served a copy, with all exhibits, of the following document(s):

**STIPULATED EX PARTE APPLICATION & [PROPOSED] ORDER FOR  
EXTENSION OF NON-EXPERT DISCOVERY CUTOFF**

on all interested parties in said case addressed as follows:

Dennis A. Cammarano, Esq.  
Salvatore T. Sirna, Esq.  
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ssirna@csdlegal.com

*Attorneys for Claimants, Cross-Claimants and  
Cross-defendants ST. PAUL FIRE AND  
MARINE INSURANCE COMPANY and  
JAMES R. COX*

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*Attorney for Claimant and Cross-Claimant  
ERIC ARCHULETA*

☐ **(BY MAIL)** By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in San Francisco, California in sealed envelopes with postage fully prepaid.

☐ **(BY HAND)** By placing the documents in an envelope or package addressed to the persons listed above and providing them to a professional messenger service for delivery.

☐ **(BY FEDERAL EXPRESS)** By depositing copies of the above documents in a box or other facility regularly maintained by Federal Express with delivery fees paid or provided for.

☐ **(BY EXPRESS MAIL)** By placing the above documents in the United States mail for Express Mail delivery at One Embarcadero Center, Suite 2600, San Francisco, CA 94111, in a sealed envelope addressed as above, with Express Mail postage thereon fully prepaid.

☐ **(BY FAX)** By use of facsimile machine telephone number (415) 956-0439, I faxed a true copy to the addressee(s) listed above at the facsimile number(s) noted after the party's address. The transmission was reported as complete and without error.

☒ **(BY ELECTRONIC SERVICE)** Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's EC/ECF system.

1 ☐ (BY ELECTRONIC TRANSMISSION) By sending a file of the above documents(s) via  
2 electronic transmission (e-mail) at \_\_\_\_\_ am./pm. using e-mail address  
3 (dhd@severson.com) to the e-mail address designed for each party identified above. I did not  
4 receive, within a reasonable time after the transmission, any electronic message or other  
5 indication that the transmission was unsuccessful.

6 I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of  
8 this Court at whose direction the service was made. This declaration is executed in  
9 San Francisco, California, on November 30, 2009.

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D. Helen Davis